



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOUG BERRY on behalf of himself, and all others :
similarly situated, and the Proposed New York Rule :
23 Class, :

Plaintiffs, :

-against- :

LHK PARTNERS INCORPORATED, AMERICAN :
INSTITUTE OF CONSUMER STUDIES and :
ANDREW LOHAN, an individual, :

Defendants. :
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15cv7480

ORDER

WILLIAM H. PAULEY III, District Judge:

Plaintiff filed this action on September 22, 2015 but has done nothing to prosecute the case since that time. Rule 4(m) of the Federal Rules of Civil Procedure provides in part:

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

On February 18, 2016, this Court directed Plaintiff to show cause by March 18, 2016 why this case should not be transferred to the Northern District of New York. Plaintiff failed to respond.

On March 22, the Clerk of Court left a voicemail with Plaintiff's counsel. Still no response.

Accordingly, Plaintiff is ordered to show cause why this action should not be dismissed for failure to prosecute by March 31, 2016.

Dated: March 25, 2016
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.

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Counsel for Plaintiff